

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA)
)
)
v.) CRIMINAL NO. 04-10288-RWZ
)
CARLOS ESPINOLA, ET AL.)
)
)

GOVERNMENT'S MOTION TO CONTINUE SENTENCING

Now comes the United States, by its attorneys, Michael J. Sullivan, United States Attorney, and David G. Tobin, Assistant U.S. Attorney, and hereby moves this Honorable Court to continue the sentencing of Matthew Cream, Jose Melo, and Jason Matthews until after the conclusion of the trial of co-defendants Carlos Espinola and Joseph Allen, which is scheduled to commence on May 8, 2006.

In support of this motion, the United States avers the following: 1) On March 17, 2006, co-defendants Matthew Cream, Jason Matthews, Jared Knowlton, Jose Melo, Jonathan Mitchell, James Gardner, and Phillip Albert, Jr. pleaded guilty before the Honorable Court; 2) The Court scheduled sentencing for Matthew Cream and Jose Melo on April 25, 2006, and sentencing for Jason Matthews on May 2, 2006; 3) the trial of co-defendants Carlos Espinola and Joseph Allen is scheduled to begin May 8, 2006, after the dates on which Matthew Cream, Jose Melo, and Jason Matthews are scheduled to be sentenced; and 4) Co-defendant

Joseph Baldassano pleaded guilty pursuant to a plea agreement and will testify as a government witness at the trial of Carlos Espinola and Joseph Allen; he will also testify at the sentencing hearings of Matthew Cream, Jose Melo, and Jason Matthews.

The United States submits that rescheduling the sentencing hearings for Matthew Cream, Jose Melo, and Jason Matthews until a date after the trial of Carlos Espinola and Joseph Allen is in the best interest of judicial economy. A later sentencing date will allow the Court to assess the credibility of Joseph Baldassano when he testifies at length at the trial and will alleviate the need for a lengthy direct examination of Mr. Baldassano at the sentencing hearing. Additionally, the court will be in a better position to assess the relative culpability of all the defendants in this thirteen defendant case after hearing extensive testimony at the trial.

The trial was originally scheduled to commence on April 3, 2006. If it had done so, the sentencings scheduled for April 25 and May 2, 2006, would have been after the trial.

Counsel for Jose Melo, Attorney Stephen Neyman, assents to the motion. The undersigned has been unsuccessful in reaching counsel for Matthew Cream and Jason Matthews.

Respectfully submitted,

MICHAEL J. SULLIVAN
United States Attorney

By: /s/: David G. Tobin
DAVID G. TOBIN
Assistant U.S. Attorney

CERTIFICATE OF SERVICE

I hereby certify that this document(s) filed through the ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF) and paper copies will be sent to those indicated as non registered participants on April 20, 2006.

/s/: David G. Tobin
DAVID G. TOBIN